



Date August 19, 2019

**RESOLUTION SCHEDULING HEARING ON PROPOSED ZONING ORDINANCE, PLANNING AND DESIGN ORDINANCE, CITYWIDE ZONING MAP AMENDMENT, AND REVISIONS TO DES MOINES MUNICIPAL CODE REFLECTING ADOPTION THEREOF**

**WHEREAS**, the City's existing zoning ordinance, set forth in Chapter 134 of the Des Moines Municipal Code, was comprehensively written in 1965 and has been amended over 300 times thereafter; and

**WHEREAS**, in 2014, the City Council approved funding for creation of a new comprehensive plan and zoning ordinance for the City of Des Moines; and

**WHEREAS**, on April 25, 2016, by Roll Call No. 16-0717, the City Council adopted the PlanDSM: Creating Our Tomorrow Plan as the comprehensive plan for the City of Des Moines; and

**WHEREAS**, on March 21, 2016, by Roll Call No. 16-478, the City Council accepted the proposal of Duncan Associates, CodaMetrics, and the Lakota Group to prepare a comprehensive rewrite of the existing zoning ordinance and authorized the City Manager to negotiate and execute contracts to implement said proposal, and City Council thereafter approved the First Amendment to said contract on April 3, 2017 by Roll Call No. 17-0592; and

**WHEREAS**, the zoning ordinance revision process undertaken by City staff and the City's consultant included two public review drafts, multiple Steering Committee meetings and stakeholder meetings, review of over 300 public comments and 350 staff comments, and Plan and Zoning Commission and City Council workshops; and

**WHEREAS**, on July 25, 2019, the members present of the Steering Committee unanimously agreed to recommend approval to the City's Plan and Zoning Commission of the proposed Zoning Ordinance, which would repeal and replace existing Chapter 134 of the Des Moines Municipal Code and Article 5 of which would repeal and replace the City's Wireless Telecommunications Facility Policy adopted on April 8, 2019 by Roll Call No. 19-0580; the proposed Planning and Design Ordinance, which would repeal and replace portions of existing Chapter 82 and the City's Site Plan Ordinance and Site Plan/Landscape Policies adopted March 22, 2004 with a new Chapter 135 of the Des Moines Municipal Code; and to adopt the updated Citywide Zoning Map rezoning all real property within the City limits of the City of Des Moines to reflect the newly designated zoning districts as defined in the proposed Zoning Ordinance; and

**WHEREAS**, said recommendation of the Steering Committee was subject to inclusion and modification of the substantive and minor revisions to the proposed Zoning Ordinance and Planning and Design Ordinance as presented to the Committee by City staff, which City staff revisions and Committee-requested modifications were provided to the Plan and Zoning Commission; and

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on August 1, 2019, its members voted 14-0 in support of a motion to recommend **APPROVAL** of the proposed Zoning Ordinance, the proposed Planning and Design Ordinance, the updated Citywide Zoning Map, and necessary revisions to Chapter 82 of the Des Moines Municipal Code relating to the adoption of said proposed Zoning Ordinance and Planning and Design Ordinance, subject to deletion of minimum house size requirements for House Types A, B, C and D as presented in the recommendation by City staff and by the Steering Committee; and

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**WHEREAS**, the proposed Zoning Ordinance, Planning and Design Ordinance and ordinance updating the Citywide Zoning Map, in forms consistent with the recommendation of City staff and the Steering Committee, and the proposed ordinance making necessary revisions to Sections 2-923, 10-5, 10-43, 14-180, 14-183, 18-56, 18-137, 26-302, 26-303, 26-802, 26-805, 30-291, 30-293, 30-334, 42-56, 42-86, 42-254, 42-258, 42-553, 42-555, 50-35, 78-10, 78-61, 78-67, 78-74, 82-1, 82-3, 82-41, 82-77, 82-206 through 82-219, 98-75, 98-76, 98-116, 102-191, 102-359, 102-379, 102-608, 102-1010, 114-361.02, and 114-632 of the Des Moines Municipal Code relating to the adoption of said proposed Zoning Ordinance and Planning and Design Ordinance, all are on file and available to the public for viewing in the office of the City Clerk, along with written communications received by the City's Planning Administrator via the City's PlanDSM website.

**NOW THEREFORE, BE IT RESOLVED**, by the City Council of the City of Des Moines, Iowa, as follows:

1. The attached communication from the Plan and Zoning Commission is hereby received and filed.
2. The City Council shall consider the proposed Zoning Ordinance, Planning and Design Ordinance, ordinance updating the Citywide Zoning Map, and ordinance making necessary revisions to Sections 2-923, 10-5, 10-43, 14-180, 14-183, 18-56, 18-137, 26-302, 26-303, 26-802, 26-805, 30-291, 30-293, 30-334, 42-56, 42-86, 42-254, 42-258, 42-553, 42-555, 50-35, 78-10, 78-61, 78-67, 78-74, 82-1, 82-3, 82-41, 82-77, 82-206 through 82-219, 98-75, 98-76, 98-116, 102-191, 102-359, 102-379, 102-608, 102-1010, 114-361.02, and 114-632 of the Des Moines Municipal Code relating to the adoption of said proposed Zoning Ordinance and Planning and Design Ordinance at a public hearing to be held in the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 5:00 p.m. on September 9, 2019, at which time the City Council will hear both those who oppose and those who favor the proposals.
3. That the City Clerk is hereby authorized and directed to cause notice of said hearing in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

MOVED by \_\_\_\_\_ to adopt.

FORM APPROVED:

  
 \_\_\_\_\_  
 Glenna K. Frank, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
TOTAL				

MOTION CARRIED APPROVED

\_\_\_\_\_  
 Mayor

**CERTIFICATE**

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_  
 City Clerk

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REGISTER ORDER NO. \_\_\_\_\_ ROLL CALL LEGAL BULLETIN BOARD FOLLOW UP

### NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that on September 9, 2019, at 5:00 p.m. in the Council Chambers, at City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa Des Moines, Iowa, a public hearing will be held by the City Council of the City of Des Moines, Iowa, concerning adoption of the following ordinances: (1) a new Chapter 134 of the Des Moines Municipal Code, proposed Zoning Ordinance, which would repeal and replace existing Chapter 134 of the Des Moines Municipal Code and Article 4 of which would repeal and replace the City's Wireless Telecommunications Facility Policy adopted on April 8, 2019 by Roll Call No. 19-0580; (2) a new Chapter 135 of the Municipal Code, proposed Planning and Design Ordinance, which would repeal and replace portions of existing Chapter 82 of the Des Moines Municipal Code and the City's Site Plan Ordinance and Site Plan/Landscape Policies adopted March 22, 2004 with a new Chapter 135 of the Des Moines Municipal Code; (3) an ordinance updating the Citywide Zoning Map rezoning all real property within the City limits of the City of Des Moines to reflect the newly designated zoning districts as established in the proposed Zoning Ordinance; and (4) an ordinance making necessary revisions to Sections 2-923, 10-5, 10-43, 14-180, 14-183, 18-56, 18-137, 26-302, 26-303, 26-802, 26-805, 30-291, 30-293, 30-334, 42-56, 42-86, 42-254, 42-258, 42-553, 42-555, 50-35, 78-10, 78-61, 78-67, 78-74, 82-1, 82-3, 82-41, 82-77, 82-206 through 82-219, 98-75, 98-76, 98-116, 102-191, 102-359, 102-379, 102-608, 102-1010, 114-361.02, and 114-632 of the Des Moines Municipal Code relating to the adoption of said proposed Zoning Ordinance and Planning and Design Ordinance. Said proposed ordinances and Zoning Map are on file and available for viewing by the public in the office of the City Clerk, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.

At said hearing, opportunity to be heard will be given to proponents and opponents of the proposed ordinances and Zoning Map.

Said ordinances include, but are not limited to, the following text amendments:

#### Zoning Ordinance

Chapter 134, Article 1 – Introductory Provisions. This article sets forth basic information regarding the effective date, compliance, and interpretation of the Zoning Ordinance, and establishment and interpretation of the zoning map.

Chapter 134, Article 2 – Districts. This article establishes zoning districts for the City of Des Moines, including:

- Downtown (DX) districts covering the Des Moines downtown area ranging from residential neighborhoods to high intensity areas;
- Mixed-Use (X) districts intended to enhance existing and create new compact nodes and corridors throughout Des Moines including those accessible by walking or automobile, regional-scale nodes and higher intensity commercial uses, transitional areas providing for residential and office buildings, outdoor sales and storage, and mid-scale employment uses such as office, low intensity industrial, and warehouse spaces;
- Industrial (I) districts associated with general and higher intensity manufacturing, warehousing, and other industrial uses, and transportation terminals;

- Public, Civic and Institutional (P) districts, providing locations for public, private, quasi-public, and institutional facilities, including parks and recreation areas, religious assembly places, cultural or arts centers, community centers, schools, infrastructure, recreational facilities, rail corridors, and utility corridors;
- Neighborhood (N) and Neighborhood Mix (NX) districts, including single-household and two-household residential areas with various building types, mobile home parks, and districts with a mix of single- and multiple-household uses and building types including infill housing, commercial home occupations and housing along corridors;
- Agriculture (A) and Flood (F) districts addressing low density uses in agricultural areas and flood plain and floodways, respectively; and
- PUD Legacy districts, which represent Planned Unit Development (PUD) zoning districts in existence prior to the effective date of the proposed Zoning Ordinance.

Chapter 134, Article 3 – Uses. This article and its Principal Use Table present the principal and accessory uses of property to be permitted in the City of Des Moines, subject to zoning district, and provide any supplemental regulations required to establish such uses.

Chapter 134, Article 4 – Wireless Telecommunications Facilities. This article repeals and replaces the City’s Wireless Telecommunications Facility Policy adopted on April 8, 2019 by Roll Call No. 19-0580, providing zoning and design requirements as well as review and approval procedures for small wireless facilities and utility poles, other wireless telecommunications facilities, and new towers, in accordance with State and federal law.

Chapter 134, Article 5 – Signs. This article contains findings, prohibitions, and regulations pertaining to signage throughout the City of Des Moines and by specific zoning district, including electronic and multi-vision display signs and general advertising signs.

Chapter 134, Article 6 – Review and Approval Procedures. This article sets forth the types and processes for Zoning Ordinance text amendments, zoning map amendments, and other relief from the Zoning Ordinance including administrative and Zoning Board of Adjustment review and approval procedures and appeals.

Chapter 134, Article 7 – Nonconformities. This article describes rights of and regulations on legal non-conforming uses of property and signs in the City of Des Moines, which uses were established prior to adoption of the Zoning Ordinance.

Chapter 134, Article 8 – Administration and Enforcement. This article describes the roles and authority of decision-making bodies and enforcement officers in relation to the Zoning Ordinance.

Chapter 134, Article 9 – Definitions. This article sets forth definitions of certain terms used in the Zoning Ordinance.

#### Planning and Design Ordinance

Chapter 135, Article 1 – Introductory Provisions. This article includes basic information regarding the effective date, compliance, and interpretation of the Planning and Design Ordinance.

Chapter 135, Article 2 – Building Types. This article and its Building Types Table present the types of principal and accessory structures to be permitted in the City of Des Moines, subject to zoning district, and provide any supplemental regulations required to construct and develop lots containing such structures.

Chapter 135, Article 3 – Measuring Building Type Regulations. This article sets forth methods of measurement for the regulations contained in the Planning and Design Ordinance.

Chapter 135, Article 4 – Design Requirements. This article establishes the design requirements for buildings allowed as principal and accessory structures in the City of Des Moines, such as façade

and roof materials and elements, downtown high-rise requirements, and mechanical equipment and appurtenances.

Chapter 135, Article 5 – Large-Scale Development. This article provides additional processes and requirements for regulation of developments on a single parcel or combination of parcels within a total of 5 or more contiguous acres, or as necessary to meet the intent of the article, such as street and block development, zoning districts, and open space.

Chapter 135, Article 6 – Parking. This article explains the requirements for motor vehicle and bicycle parking in the City of Des Moines, such as calculation of required parking, parking layout and design, and site access and driveways.

Chapter 135, Article 7 – Landscape and Streetscape. This article, in part, repeals and replaces the City of Des Moines Site Plan/Landscape Policies adopted March 22, 2004, and includes general landscape installation and maintenance requirements, site and street tree and streetscape regulations, and buffer, fence, and appurtenance screening standards.

Chapter 135, Article 8 – Site Design Requirements. This article, in part, repeals and replaces the City of Des Moines Site Plan/Landscape Policies adopted March 22, 2004, and provides site planning, engineering, fire safety, and traffic and circulations standards supplementing the remainder of the Planning and Design Ordinance.

Chapter 135, Article 9 – Review and Approval Procedures. This article sets forth the types and processes for site plan review and approval, and for relief from the Planning and Design Ordinance including administrative, Plan and Zoning Commission, and City Council procedures and appeals.

Chapter 135, Article 10 – Pre-Existing Situations. This article describes rights of and regulations on legal pre-existing structures in the City of Des Moines, which structures were constructed prior to adoption of the Planning and Design Ordinance.

Chapter 135, Article 12 – Definitions. This article sets forth definitions of certain terms used in the Planning and Design Ordinance.

Proposed necessary renumbering, redesignating and correcting of internal references and other clarifying revisions relating to the adoption of the proposed Zoning Ordinance and Planning and Design Ordinance contained in the following sections of the Des Moines Municipal Code: Sections 2-923, 10-5, 10-43, 14-180, 14-183, 18-56, 18-137, 26-302, 26-303, 26-802, 26-805, 30-291, 30-293, 30-334, 42-56, 42-86, 42-254, 42-258, 42-553, 42-555, 50-35, 78-10, 78-61, 78-67, 78-74, 82-1, 82-3, 82-41, 82-77, 82-206 through 82-219, 98-75, 98-76, 98-116, 102-191, 102-359, 102-379, 102-608, 102-1010, 114-361.02, and 114-632.

CITY OF DES MOINES, IOWA

By: T.M. Franklin Cownie, Mayor

ATTEST: Diane Rauh, City Clerk

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